

## REMARKS

In the Office Action, the Examiner required restriction under 35 U.S.C. 121 in the present application to one of the following inventions:

Group I – Claims 1-9 and 21-26 drawn to a variable capacity compressor, in class 60/239; and

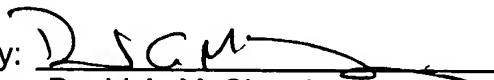
Group II – Claims 10-20 drawn to a fuel cell system comprising a variable capacity compressor system in class 429/22.

Accordingly, Applicants hereby elect without traverse Group I directed to a variable capacity compressor, in class 60/239. Further, Applicants have amended claim 10 to include a motor that drives the compressor and a controller that selects a power source for the motor. In this regard, the claimed combination as recited in claims 10-20 do require the particulars of the sub-combination as claimed. Applicants make this election without prejudice to filing one or more divisional applications directed to the non-elected group.

Accordingly, it is believed that the outstanding Office Action has been fully complied with herein. If the Examiner has any questions or would like to personally discuss this application, she is invited to contact either of the undersigned attorneys at the telephone number listed below.

Respectfully submitted,

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